

Notice of Allowability

Application No.

10/755,701

Examiner

Bruce E. Snow

Applicant(s)

MCLEAN, TERRY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's Amendment.
2. ☒ The allowed claim(s) is/are 109, 130 and 131.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

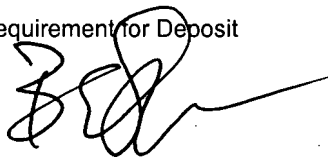
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>hereto</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


BRUCE SNOW
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 9/06/07, Catherine Hart requested an extension of time for 2 MONTH(S) and authorized the Director to charge Deposit Account No. 11-0855 the required fee of \$450 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Specification

In the specification, page 1, line 5, after "January 25, 2002," --now abandoned,-- has been added.

Claims

Claims 101-108 and 110-129 have been cancelled.

The following claims have been replaced:

109. A containment system comprising:

- (a) a shell, the shell comprising a cavity and an outside surface and including at least one opening on the outside surface providing access to the cavity;
- (b) a liner, the liner comprising:
 - an outer surface;

a lip; and

an inner surface, the inner surface forming a cavity and including a web, wherein the web extends around a portion of the lip to form a D-shaped opening;

(c) an implant stem head, the implant stem head comprising:

a generally spherical body having a surface configured to correspond to the web enabling the implant stem head to be inserted into the liner when the implant stem head is in a first orientation; and

a cavity; and

(d) a separate femoral stem component which may be inserted into the cavity of the implant stem head,

wherein the shell may be received by an acetabulum, and

wherein the liner may be received in the cavity of the shell, and

wherein the web allows the implant stem head to be inserted into the cavity of the liner when the implant stem head is oriented in the first orientation and constrains the implant stem head within the cavity of the liner when the implant stem head is oriented in a second orientation such that the implant stem head may articulate within the liner but cannot be removed from the liner once it is attached to the stem.

130. (Previously Presented) A containment system comprising:

(a) a shell, the shell having a generally hemispherical shape and comprising a cavity and an outside surface and including at least one opening on the outside surface providing access to the cavity, wherein the shell is received by an acetabulum;

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- (b) a liner, the liner having a generally hemispherical shape and comprising:
 - an outer surface;
 - a lip; and
 - an inner surface, the inner surface forming a cavity and including a web, wherein the web extends around a portion of the lip to form a substantially D-shaped opening, and wherein the liner is received in the cavity of the shell and may articulate within the cavity of the shell;
- (c) an implant stem head, the implant stem head comprising:
 - a generally spherical body having a substantially planar surface configured to correspond to the web enabling the implant stem head to be inserted into the liner when the implant stem head is in a first orientation; and
 - a cavity; and
- (d) a separate femoral stem component which may be inserted into the cavity of the implant stem head,
 - wherein the inner surface of the liner is shaped to correspond generally to the outer surface of the implant stem head, and
 - wherein the web is shaped to cooperate with the implant stem head as the implant stem head articulates relative to the liner, and
 - wherein the web allows the implant stem head to be inserted into the cavity of the liner when the implant stem head is oriented in the first orientation and constrains the implant stem head within the cavity of the liner when the implant stem head is oriented

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in a second orientation such that the implant stem head may articulate within the liner but cannot be removed from the liner.

131. (Previously Presented) A containment system comprising:

- (a) an implant structural member, the implant structural member comprising:
 - an outer surface;
 - a lip; and
 - an inner surface, the inner surface forming a cavity and including a web,

wherein the web extends around a portion of the lip to form a substantially D-shaped opening;

- (b) an implant stem head, the implant stem head comprising:

- a generally spherical body having a substantially planar surface configured to correspond to the web enabling the implant stem head to be inserted into the implant structural member when the implant stem head is in the first orientation; and

- a cavity; and

- (c) a separate femoral stem component which may be inserted into the cavity of the implant stem head,

- wherein the outer surface of the implant structural member may be received by a shell, and

- wherein the implant stem head may be received by the implant structural member, and

wherein the web allows the implant stem head to be inserted into the cavity of the implant structural member when the implant stem head is oriented in a first orientation and constrains the implant stem head within the cavity when the implant stem head is oriented in a second orientation.

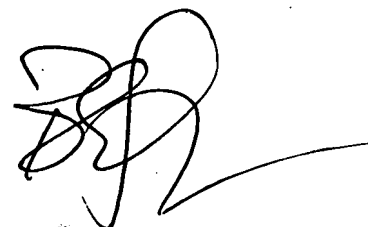
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce E. Snow whose telephone number is (571) 272-4759. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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